

REMARKS/ARGUMENTS

Claim Objections

As suggested by the Examiner, the quotation marks have been removed from claims 16 and 19.

Claim Rejections Under 35 USC §112, first paragraph

Claims 1, 3, 5 to 10 and 14 to 20 have been rejected under 35 USC 112, first paragraph, for failure to comply with the written description requirement.

With respect to claims 1, 3, 5 and 14 to 16, the Examiner states that claim 1 (and therefore all claims depending from claim 1) require "calling means for broadcasting the message to said selected mobile stations to be called while keeping a count of the number of the mobile stations already called to assure the assigned specified number of mobile station recipients called is not exceeded." The Examiner contends that this was not described in the original specification and is therefore new matter and further, that calling means for keeping a count of the number of the mobile stations already called is not mentioned in the original disclosure. However, Figure 27, as filed with the application, shows keeping count of recipients of space time information in communication with mobile stations. Figure 29 in steps S512 to S515 disclose keeping count of stations called by decrementing a maximum count to zero so that the maximum number of recipients called is not exceeded. Figure 27 and its description in the specification on pages 49 to 53 make it clear to those skilled in the art how to keep a count of the number of mobile stations already called.

With respect to claim 6, the Examiner states that claim 6 requires "transmitting from one mobile to another mobile station information including the one mobile stations phone number designation of said accepted communication area, the areas radius centered at the one mobile station and location data from a GPS system in the one mobile station." The Examiner contends that this is subject matter which was not described in the original specification and is therefore new matter in that the limitation of transmitting from one mobile to another mobile station the areas radius centered at the one mobile station is not mentioned in the original disclosure. However, beginning in the middle of page 50 and continuing onto page 51 the application, as originally filed, discusses the transmission of GPS data from one mobile station to another mobile station in connection with steps S507 to S510 of Figure 27. This description makes it clear to those skilled in the art how GPS data is used to determine if a mobile station is within range of another mobile station.

With respect to claims 7, 17 and 18, the Examiner states that claim 7 requires "calling said selected mobile stations to be called sequentially keeping count of the number called so that the number of mobile stations called does not exceed the specified number." The Examiner contends that this is subject matter which was not described in the original specification and is therefore new matter. As pointed out above in connection with claim 1, Figure 27 and its description in the specification make it clear the sequential counting of mobile stations is described in the application as originally filed.

With respect to claim 8, the Examiner states that claim 8 requires "transmitting over a communication network from the one mobile station to another mobile station information including the designation of said accepted communication area, its radius centered at the one mobile

station and the phone number of the one mobile station." The Examiner contends that this subject matter was not described in the original specification and is therefore new matter. See the discussion above in connection with claim 6 about inclusion of this information in the specification, as originally filed.

With respect to claim 9, the Examiner states that claim 9 requires "providing to the another said mobile station the telephone number of the one mobile station, the location of the one mobile station and the radius of the relative effective range." The Examiner contends that this is subject matter which is not described in the original specification and is therefore new matter. See the discussion above in connection with claim 6 about the inclusion of this information in the specification, as originally filed.

With respect to claims 10, 19 and 20, the Examiner states that claim 10 requires "transmitting from a first the one mobile station to the another other mobile stations information including the designation of said accepting accepted communication area which is centered at the location of the one mobile station which subject matter." The Examiner contends that this subject matter is not described in the original specification and is therefore new matter. See the discussion above in connection with claim 6 about inclusion of this information in the application, as originally filed.

Previous Objections and Rejections

With respect to the previous basis of objection and rejection, the objection to claims 1 and 7 and the rejection of claims 1, 5 and 9 under 35 USC 112, second paragraph, were specifically withdrawn. As for the rejection under 35 USC 103(a),



JA999044

it is assumed that since it is not repeated in the final rejection, the claims as presented in the August 15, 2005 amendment overcome this basis of rejection. In any case, the applicants incorporated the remarks of the August 5, 2005 amendment, concerning the allowability of the claims, into this response.

For the above reasons, it is respectfully submitted that all the claims in the application are supported by the application, as originally filed. Therefore, it is requested that the application be reconsidered, allowed and passed to issue.

RESPECTFULLY SUBMITTED,

James E. Murray - Attorney
Registration No. 20,915
Phone: (845) 462-4763